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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/668,162	09/25/2000	Tetsuro Motoyama	194901US-2	1731
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OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314				
			EXAMINER EL CHANTI, HUSSEIN A	
			ART UNIT 2157	PAPER NUMBER
			DATE MAILED: 12/23/2003	

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/668,162

Applicant(s)

MOTOYAMA ET AL.

Examiner

Hussein A El-chanti

Art Unit

2157

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 September 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) _____ is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2. 6) ☐ Other: _____

DETAILED ACTION

1. This action is responsive to application filed on Sep. 25, 2000. Claims 1-20 are pending examination.

Specification

2. The disclosure is objected to because it contains an embedded hyperlink and/or other form of browser-executable code. Applicant is required to delete the embedded hyperlink and/or other form of browser-executable code. See MPEP § 608.01.

Claim Objections

3. Claim 17 is objected to because of the following informalities:

The second line of the claim states "wide are network". Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1 and 8 rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Applicant does not disclose the definition of "compatible and incompatible position information" in the specification of the application.

5. Claims 1 and 8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The sixth line of the claim states "compatible and incompatible position information". The specification of the application does not define the terms "compatible" and "incompatible".

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1, 2, 5-8 and 14 are rejected under 35 U.S.C. 102(e) as being anticipated by Chou, U.S. Patent No. 6,327,533.

As to claim 1, Chou teaches a computer implemented position tracking system comprising:

a processor (see col. 3 lines 34-36);

a computer readable medium encoded with processor readable instructions that when executed by the processor implement (see col. 3 lines 15-23, col. 7 lines 55-58),

a position information receiving mechanism configured to receive at least one of compatible position information and incompatible position information from a remotely located device via a wide area network using protocol (see col. 4 lines 39-65 and col. 5 lines 39-45);

a position information formatting mechanism configured to convert the incompatible position information into compatible position information (see col. 4 lines 55-65 and col. 6 lines 59-66); and

a position information mapping mechanism configured to present the compatible position information as location indicators on a map (see col. 10 lines 57-col. 11 lines 13).

As to claim 2, Chou teaches the system of claim 1 wherein at least a portion of the wide area network comprises the internet (see col. 4 lines 39-45).

As to claim 5, Chou teaches the system of claim 1 wherein:

said at least one of compatible position information and incompatible position information comprises historical position information corresponding to a time when said system was inactive (see col. 4 lines 55-65 and col. 6 lines 45-58); and

said position information mapping mechanism further comprises a historical mapping mechanism configured to present the historical information as

location indicators on a map (see col. 10 lines 57-col. 11 lines 13, col. 3 lines 20-25 and col. 5 lines 14-27 and 40-45).

As to claim 6, Chou teaches the system of claim 1 wherein said location indicators indicate at least one of a current position of said remotely located device and a path taken by said remotely located device (see col. 3 lines 20-25 and col. 5 lines 14-27 and 40-45).

As to claim 7, Chou teaches the system of claim 1 wherein said processor readable instructions comprises at least one dynamic link library, a static link library, a script, a Java class, a C++ class and a C library routine (see col. 11 lines 15-25).

As to claim 8, Chou teaches a method for mapping a position of a position reporting device comprising the steps of:

receiving at least one of compatible position information and incompatible position information from the position reporting device via a wide area network using a protocol (see col. 4 lines 39-65 and col. 5 lines 39-45);

formatting the incompatible position information into compatible position information if said incompatible position information is received in said receiving step (see col. 4 lines 55-65 and col. 6 lines 59-66); and

mapping the compatible position information as location indicators on a displayable map (see col. 10 lines 57-col. 11 lines 13).

As to claim 14, Chou teaches a computer program product comprising:

a computer storage medium; and

a computer program code mechanism embedded in the computer storage medium for causing a computer to map a position of a position reporting device, the computer program mechanism (see col. 3 lines 15-23, col. 7 lines 55-58) having

a first computer code device configured to receive position information from the position reporting device via a wide area network using a protocol (see col. 4 lines 39-65 and col. 5 lines 39-45);

a second computer code device configured to format the position information into formatted position information compatible with a third computer code device (see col. 4 lines 55-65 and col. 6 lines 59-66); and

the third computer device configured to map the formatted position information onto a displayable map (see col. 10 lines 57-col. 11 lines 13).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 3 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chou in view of Fenton et al., U.S. Patent No. 6,618,004 (referred to hereafter as Fenton).

As to claim 3, Chou teaches a computer implemented position tracking system comprising a position information receiving mechanism configured to receive at least

one of compatible position information and incompatible position information from a remotely located device via a wide area network using protocol, a position information formatting mechanism configured to convert the incompatible position information into compatible position information and a position information mapping mechanism configured to present the compatible position information as location indicators on a map (see the rejection of claim 1).

Chou does not explicitly teach the limitation "protocol comprises at least one of a store-and-forward protocol and a direct connection protocol". However Fenton teaches a system for displaying the location of a moveable object on a remote device by using a direct connection protocol (see col. 4 lines 33-54).

It would have been obvious for one of the ordinary skill in the art at the time of the invention to modify Chou by implementing a direct connection protocol in the communication system as taught by Fenton because doing so would allow the tracking device to send location data from a remote location to a server using direct connection protocol and therefore resulting in a real time transmission and displaying real time location on a remote device.

As to claim 4, Fenton teaches the protocol comprises a file transfer protocol (see col. 4 lines 33-54).

8. Claim 9-13 and 15-20 do not teach or define any additional limitation over claims 1-8 and therefore are rejected for similar reasons.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hussein A El-chanti whose telephone number is (703)305-4652. The examiner can normally be reached on Mon-Fri 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (703)308-7562. The fax phone number for the organization where this application or proceeding is assigned is (703)746-9679.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)305-3900.

Hussein El-chanti

Date: Nov. 18, 2003


ARIO ETIENNE
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